

Remarks

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Initially, it is noted that claim 1 has been amended so as to include the features of claim 3. Further, claims 2, 3, 6 and 9 have been canceled without prejudice or disclaimer to the subject matter contained therein.

Claims 1-11 have been rejected under 35 USC §101 as being directed to non-statutory subject matter. Claims 1, 7, 8 and 10 have been amended so as to address this rejection. As a result, withdrawal of the rejection under 35 USC §101 is respectfully requested.

Claims 1-3 and 7-9 have been rejected under 35 USC §102(b) as being anticipated by Granzotto (U.S. 6,757,392). Claims 4-6, 10 and 11 have been rejected under 35 USC §102(b) as being anticipated by Granzotto or, in the alternative, under 35 USC §103(a) as being unpatentable over Granzotto in view of Reinhold, Jr. (U.S. 5,339,823). These rejections are respectfully traversed for the following reasons.

Claim 1 is patentable over Granzotto, since claim 1 recites an electrocardiograph including, in part, a pair of arm portions extending from and being attached to opposite sides of a body case of the electrocardiograph, respectively; a pair of detecting electrodes located at end portions of the pair of arm portions, respectively, the detecting electrodes adapted to face a chest portion of a subject; and a switching means for starting detection, display and transmission of an electrocardiograph complex when the body case is pressed to a chest portion of a subject, whereby a common electrode and the detecting electrodes come into contact with the chest portion of the subject, wherein the switching means comprises push-down switches located in the common electrode and the detecting electrodes, respectively, the switching means operable to start detection, display and transmission of the electrocardiographic complex when all of the push-down switches are pushed down for a specific period by pressing the body case to a human body side. Granzotto fails to disclose or suggest the switching means of claim 1.

Granzotto discloses an electronic stethoscope including a headpiece 1. The headpiece 1 includes a contact ring 20 having a ring section 20a and two arc shaped arms 18 connected to the ring section 20a by pivot joints 19. The arc shaped arms 18 each include an electrode 17. The headpiece 1 also includes a number of sensors 15 and an electrode 16. When the headpiece 1 is used to record an electrocardiogram, the arc shaped arms 18 are swiveled away from the ring

section 20a such that the electrodes 17 located thereon are pivoted away from the contact ring 20.

Further, headpiece 1 includes an integrated display arrangement 11 which can be used to display the results of the electrocardiogram and a number of operating keys 13 which are used to select between various modes (e.g., electrocardiogram mode) of the headpiece 1. In addition, the pivot joints 19 can be connected to switching contacts such that an electrical connection to the electrodes 17 only occurs when the arc shaped arms 18 are in a fully swiveled-out position 18a. (See column 3, lines 23-36; column 3, line 41 – column 4, line 16; and Figures 1, 3 and 4).

In the rejection, the operating keys 13 are relied upon as corresponding to the claimed switching means and the electrodes 16 and 17 are relied upon as corresponding to the claimed common and detecting electrodes. However, claim 1 now recites that the switching means comprises push-down switches located in the common electrode and the detecting electrodes. Clearly, the operating keys 13 are not located in the electrodes 16 and 17. Instead, the operating keys 13 and the electrodes 16 and 17 are located on opposite sides of the headpiece 1.

Further, Granzotto fails to disclose or suggest that the electronic stethoscope is operable to start detection, display and transmission of the electrocardiographic complex when all of the operating keys 13 are pushed down for a specific period by pressing the body case to a human body side. This is apparent because, as illustrated in Figures 2 and 3 of Granzotto and mentioned above, the operating keys 13 are located on the opposite side of the headpiece 1 from the side which comes into contact with the subject during use of the electronic stethoscope.

Additionally, it is noted that the switching contacts connected to the pivot joints 19 that only electrically connect the electrodes 17 when the arc shaped arms 18 are in the fully swiveled-out position 18a also fail to correspond to the claimed push-down switches because the switching contacts are not disclosed or suggested as being located in the electrodes 16 and 17. As a result, claim 1 is patentable over Granzotto.

Regarding Reinhold, it is relied upon as disclosing non-adhesive precordial electrodes. However, Reinhold fails to disclose or suggest the switching means as recited in claim 1.

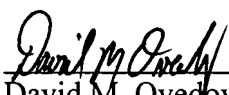
Because of the above-mentioned distinctions, it is believed clear that claims 1, 4, 5, 7, 8, 10 and 11 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in

such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 4, 5, 7, 8, 10 and 11. Therefore, it is submitted that claims 1, 4, 5, 7, 8, 10 and 11 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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